

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 16, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Suzukawa, J. (Assigned) and S. Beaux, Deputy Clerk.

Each of the following:

B168046 People v. Chatman
B169810 People v. Lewis
B170820 People v. Howard
B171075 People v. Valentine et al.
B171239 People v. Gabriel et al
B171310 Estate of Williams
B171494 People v. Valcore
B172135 People v. Marlborough
B172387 People v. Toscano
B172950 People v. Santos
B173062 Weinberg v. Santa Monica Rent Control
B174975 DCFS v. Roberta S.
B177677 Griselda Z. v. SCLA (DCFS)

Argument waived, cause submitted.

B169641 People
 v.
 Tetzlaff

Merits:

Argued by Jeffrey A. Needelman for appellant and by David A. Wildman, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B172368 Levine
 v.
 Levine

Merits:

Argued by Thomas Paine Dunlap for appellant and by Constantin Marcou for respondent. Cause submitted.

Vogel, J. leaves the bench.

B171188 Wallace
 v.
 Fashion 21, Inc. et al.

Merits:

Argued by Porfiria I. Wallace for appellant and by Arthur J. McKeon, III for respondents. Cause submitted.

Vogel, J. returns to the bench.

B170292 People
 v.
 Kelly

Merits:

Argued by Joanna McKim for appellant and by Lisa J. Brault, Deputy Attorney General, for respondent. Cause submitted.

Mallano, J. leaves the bench.

B168727 Feder
 v.
 Feder

Merits:

Argued by Paul N. Crane for appellant and by Gerald I. Neiter for respondent. Cause submitted.

DIVISION ONE (Continued)

Mallano, J. returns to the bench.

B167752 Stocker
 v.
 Jeffers, et al.

Merits:
Argued by Thomas J. Jeffers, Jr. for appellants, by Jerry K. Staub for
respondent Pacific Stocker and by John Schmidt for respondent Cardinale.
Cause submitted.

B169937 Littles
 v.
 Compton Unified School District et al.

Merits:
Argued by Dale L. Gronemeier for appellant and by James P. Gallenbeck
for respondents. Cause submitted.

Spencer, P.J. leaves the bench.

B166740 Frangie
 v.
 Iris Limited Partnership

Merits:
Argued by John B. Wallace for respondent. No appearance by appellant.
Cause submitted.

B171656 Maran et al.
 v.
 Sarkis S.

Merits:
Argued by Anthony M. Glassman for appellants and by Kathryn Albarian
for respondent. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B169604 McManus et al. (Not for Publication)
 v.
 Welsh et al.

We reverse that part of the judgment granting Jerrilynn and Gerald a \$140,000 lien on the Lyric Avenue property. We affirm that part of the judgment permitting Maria and Joseph to retain full ownership of the property. The effect of our disposition is that Jerrilynn and Gerald take nothing, and that there shall be no encumbrance in favor of Jerrilynn and Gerald on the property. The parties are to bear their own costs on appeal.

Ortega, J.

I concur: Spencer, P.J.
I dissent: Mallano, J. (Opinion)

B171310 Williams (Not for Publication)
 v.
 Allen
 Estate of Maxine Hobdy Williams, Deceased.

The appeal is dismissed. Allen is to pay her own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B177115 People (Not for Publication)
 v.
 Manuel A. Pineda

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

November 16, 2004 (Continued)

DIVISION ONE (Continued)

B169810 People (Not for Publication)
v.
Mark Shelton Lewis

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

B172135 People (Not for Publication)
v.
Albert Marlborough

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B174163 Los Angeles County, D.C.S.
v.
S.W. et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B169946 Jean-Paul Afif (Not for Publication)

v.

Loyola Marymount University, et al.

The summary judgment is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B166395 Empire Fire and Marine Insurance Company (Not for Publication)

v.

Sam Israel

The judgment is affirmed. Each party to bear their own costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B166499 Plastic Pipe and Fittings Association (Not for Publication)

v.

California Building Standards Commission et al.

The judgment is reversed with directions to the superior court to vacate the preemptory writ of mandate issued on February 13, 2003, and enter a judgment denying the petition for writ of mandate. Appellants are entitled to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FIVE

B171291 Michael Carpenter (Not for Publication)
v.
American Honda Motor Co.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B171891 Farhad Larian
v.
Isaac Larian (Certified for publication)

Filed order modifying opinion. (No change in the judgment)

B171659 Farhad Larian
v.
Isaac Larian

Filed order denying petition for rehearing.

DIVISION SIX

B170419 People (Not for Publication)
v.
Gutierrez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

[illegible]

Upon issuance of the remittitur, the superior court clerk is directed to issue an amended abstract of judgment consistent with this opinion. Upon correcting the abstract of judgment, the clerk is to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B173080 People (Not for Publication)
v.
Jaime G.

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

[illegible]

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B165580 People (Certified for Partial Publication)
v.
Juarez

The upper term sentence on the carjacking count is reversed and remanded to the trial court for resentencing consistent with the views expressed in this opinion. Upon remand, the trial court shall also clarify and/or re-evaluate its restitution orders. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B167621 People (Certified for Publication)
v.
Calderon

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

November 16, 2004 (Continued)

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B179062	Costello v. S.C.L.A. (Cross, et al.)
B179089	American Arbitration Assoc. v. S.C.L.A. (Cross, et al.)

Filed order consolidating above captioned petitions.

B166359 Delsol
v.
Layman

Filed order denying petition for rehearing.